

Federal Defenders
OF NEW YORK, INC.

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

October 27, 2021

By ECF

The Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Ramil Custodio
21 CR 51 (CM)

Dear Judge McMahon:

I write with the consent of the Government to request an adjournment of Mr. Custodio's sentencing hearing for approximately 90 days. This request is made in light of Mr. Custodio's current acute health issues and the risks to his health of participating in a sentencing hearing at this time in light of the ongoing COVID-19 pandemic.

Since Mr. Custodio's plea in this matter, his health has declined significantly. He was hospitalized in the intensive care unit after being diagnosed with severe kidney failure and is currently in the process of identifying a potential kidney donor within his community, all while undergoing dialysis three times a week. A sentencing hearing and possible incarceration at this time would disrupt the process of finding a kidney donor and delay a procedure that could prove both life-saving and life-prolonging for Mr. Custodio. Moreover, the hearing itself would pose risks to Mr. Custodio's already precarious health given substantial community transmission of COVID-19¹ and the particular risks that COVID-19 poses to individuals like Mr. Custodio suffering from kidney disease.²

With the Government's consent, I request an adjournment of Mr. Custodio's sentencing hearing for approximately 90 days. The parties are available for a sentencing hearing the week of January 24, 2022.

¹ "COVID-19 Latest Data: Transmission Levels," NYC DOH, *available at*: <https://www1.nyc.gov/site/doh/covid/covid-19-data.page#transmission>

² "Coronavirus Disease 2019 (COVID-19): People with Certain Medical Conditions," CDC, *available at* <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/27/21

10/27/21
Sentencing Adjourned to
January 27, 2022 at 2:30 p.m.

Colleen McMahon

Respectfully submitted,

/s/
Zawadi Baharanyi
Assistant Federal Defender
917-612-2753

cc: Alexander Li
Assistant United States Attorney
(by ECF)